

EXHIBIT 1

Baltimore, MD

1

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

- - - - -x

IN RE: PHARMACEUTICAL : MDL NO. 1456

INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:

PRICE LITIGATION : 01-CV-12257-PBS

THIS DOCUMENT RELATES TO :

U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris

the Florida Keys, Inc. v. :

Abbott Laboratories, Inc., : Chief Magistrate

No. 06-CV-11337-PBS : Judge Marianne B.

- - - - -x Bowler

IN THE CIRCUIT COURT OF

MONTGOMERY COUNTY, ALABAMA

- - - - -x

STATE OF ALABAMA, :

Plaintiff, :

vs. : Case No.: CV-05-219

ABBOTT LABORATORIES, INC., : Judge Charles Price

et al., :

Defendants.:

- - - - -x

Baltimore, MD

2

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT

2 IN AND FOR LEON COUNTY, FLORIDA

3

4 THE STATE OF FLORIDA

5 ex rel.

6 - - - - - x

7 VEN-A-CARE OF THE FLORIDA :

8 KEYS, INC., a Florida :

9 Corporation, by and through its :

10 principal officers and directors, :

11 ZACHARY T. BENTLEY and :

12 T. MARK JONES, :

13 Plaintiffs, :

14 vs. : Civil Action

15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G

16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William

17 LTD., SCHEIN PHARMACEUTICAL, INC.;; L. Gary

18 TEVA PHARMACEUTICAL INDUSTRIES :

19 LTD., TEVA PHARMACEUTICAL USA; :

20 and WATSON PHARMACEUTICALS, INC., :

21 Defendants, :

22 - - - - - x

1 the documents are scheduled for destruction, have
2 you ever --

3 MS. MARTINEZ: Object to form.

4 Q. Who sends you the notice that documents
5 are scheduled for destruction?

6 A. I have never received such a notice.

7 Q. Maybe I misunderstood your testimony.

8 A. Right. I was explaining what the
9 process would be. But I'm saying that we are not
10 there yet. We haven't destroyed any records.
11 And, furthermore, any documents that go to the
12 federal record center are permanent records, so
13 they would never be destroyed. After they are
14 maintained at the federal record center for 20
15 years, then they go to the national archives.

16 Q. That's for all records that come out of
17 --

18 A. For permanent records.

19 Q. For permanent records only. If they
20 are not permanent records though they have a
21 different --

22 A. Yes.

1 Q. -- production or retention?

2 A. Retention, yes. That's correct.

3 Q. Schedule. So you have only been
4 talking about permanent records with respect to
5 the non-destruction of documents?

6 A. I'm saying that we never destroy any
7 documents, temporary or otherwise.

8 Q. Okay. And is that according to a
9 written policy of CMS?

10 A. Well, as I was trying to explain, in
11 2004 when we changed our record schedule, we
12 provided for a shorter retention period for
13 temporary records. And we are not yet to the
14 place in the process or we haven't yet developed,
15 we haven't started destroying temporary records
16 yet.

17 Q. So although the policy calls for the
18 destruction, you haven't destroyed any?

19 A. Right. Not yet. Not yet. And if --
20 when we get there, if there are any that need to
21 be preserved under a preservation order, then I
22 would ensure that they were preserved.